IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11438 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

HITESH BABULAL GOHEL

Versus

GUJARAT STATE PHARMACY COUNCIL

Appearance:

MR AJ YAGNIK for Petitioner No. 1

Mr.H.N. Sompura, ASSTT GOVERNMENT PLEADER for Respondent No. 1

RULE SERVED BY DS for Respondent No. 2

CORAM : MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 19/12/2001

ORAL JUDGEMENT

The present petition is filed for the relief that respondents no.1 and 2 be directed to change the date of birth from 9.7.1975 to 10.7.1975 on the basis of the certificate of birth issued by the Record Keeper of the

Municipal Corporation of Ahmedabad. The case of the petitioner is that the petitioner studied in Shri Sharda Higher Secondary School, Ahmedabad for 10th Standard. Said School has issued a School Leaving Certificate bearing date of birth as 9.7.1975. The petitioner was born at 01.43 AM. That is why the genuine mistake is committed in mentioning the date of birth as 9.7.1975 instead of 10.7.1975. Learned advocate for the petitioner submitted that the petitioner has completed 'Bachelor of Pharmacy' and the Gujarat State Pharmacy Council has issued a certificate of registration as 'Registered Pharmacist' wherein his date of birth is mentioned as 9.7.1975. When the petitioner approached the Passport authorities, he was required to produce his certificate of birth, issued by the Government of Gujarat, Department of Health, a copy of which is produced at Annexure 'A', page 13 to the petition. There the date of birth mentioned is 10.7.1975 along with the time of birth as 01.43 AM. The petitioner had filed a petition before this Court for correction of date of birth which was granted. Now that the petitioner has to produce 'Registration Certificate' issued by the Gujarat State Pharmacy Council, which bears the date of birth as 9.7.1975, based on the School Leaving Certificate.

2. Learned Assistant Government Pleader, Shri H.N. Sompura appearing for the State has filed an affidavit in reply which is taken on record. On behalf of respondent no.2, Shri Sharda Higher Secondary School, one Shri Valani, Junior Clerk is present before the Court. He has no objection if the request of the petitioner is granted. Taking into consideration the facts of the case and taking into consideration the decision of this Court in a similar petition being Special Civil Application No.7009 of 1999 decided by this Court (Coram: M.S. Shah, J.) dated 5.10.1999, this petition is required to be allowed.

3. The petition is allowed for the same reasons mentioned in the aforesaid decision of this Court. Respondents no.1 and 2 are directed to correct the date of birth of the petitioner. The same may be mentioned as 10.7.1975 in place of 9.7.1975. Respondent no.2 is directed to issue a fresh School Leaving Certificate which the petitioner may produce before the Gujarat State Pharmacy Council, who in turn will correct the date of birth of the petitioner in its record and will issue a certificate to that effect.

4. The petition is accordingly allowed. Rule is made absolute. No order as to costs.

(Ravi R. Tripathi, J.)

karim